

## **REMARKS**

Claims 1-3, and 5-16 are pending in the application. Claims 1, 2, and 5 are currently amended. Claim 4 is currently cancelled. Applicant respectfully requests for allowance of all the pending claims.

### **Objections to Drawings**

The drawings are objected to under 37 CFR 1.83(a), as the limitation in claim 5 “a printed circuit board assembly” is allegedly missing from the drawings. Applicant, however, respectfully disagrees.

Claim 5, as amended, specifies that the pump control circuitry comprises a printed circuit board assembly. The printed circuit board assembly indicated by label 126 is illustrated in FIG. 8. “[O]uter extrusions 120, 122 define therebetween a housing 124 for enclosing one or more printed circuit board assemblies 126 for controlling the pump 102.” *See, the specification, page 5, first paragraph.* It is Applicant’s contention that the printed circuit board assembly is illustrated at least in FIG. 8 of the drawings. Thus, Applicant respectfully requests that the objections to the drawings be withdrawn.

### **Claim Objections**

Claim 2 is objected to. In response, claim 2 has been amended by replacing the term “pump control means” with “pump control circuitry.” Applicant respectfully submits that the objection has been overcome.

### **Rejections under 35 USC 112**

Claim 5 is rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Examiner asserts that since claim 1 recites “a pump control circuitry,” the recitation of “a printed circuit board assembly” is indefinite as to whether they are the same or different elements.

Claim 5, as amended, specifies that the pump control circuitry comprises a printed circuit board assembly. It is interpreted that the pump control circuitry is a generic term, whereas the printed circuit board assembly is a specific example within the meaning of pump control circuitry. For example, a pump control circuitry can be in the form of a printed circuit board assembly, or other loosely connected electric components without a printed circuit board. Thus, it is Applicant’s contention that claim 5 as amended complies with the requirements of the second paragraph of 35 USC 112.

### **Rejections under 35 U.S.C. §102**

Claims 1-8, and 10-11 are rejected under 35 USC 102(e) as being anticipated by US Patent No. 6,705,105 to Wendt et al. (hereinafter referred to as “Wendt”).

Independent claim 1 is directed to a pump enclosure comprising: a base, a cover, a plurality of pillars detachably connected at one end thereof to the base and at the other end thereof to the cover, wherein at least one of the plurality of pillars comprises interconnected extrusions defining therebetween a housing; and a pump control circuitry disposed in the housing for controlling a pump. As amended, claim 1 now includes an additional limitation “at least one of the extrusions is profiled to receive at least one pipe

through which coolant fluid passes in use, the pipe extending substantially in parallel with the pillar.”

Wendt does not teach the claim language “*the pipe extending substantially in parallel with the pillar.*” Examiner equates pipes 20 and 22 of Wendt to the pipes of the claimed invention. However, Wendt’s pipes 20 and 22 do not extend substantially in parallel with the pillars, which are understood as the structural components longitudinally extend between base 24 and cover 12 at the corners. As shown in FIGs. 1 and 2 of Wendt, pipes 20 and 22 are perpendicular to, instead of in parallel with, the pillars.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Since Wendt fails to teach each and every element of claim 1, it cannot anticipate the same under 35 USC 102(e). Accordingly, claims 2, 3, 5-8 and 10-11 that depend from claim 1 and include the limitations recited therein are also not anticipated by Wendt under 35 USC 102(e). It is noted that claim 4 has been cancelled.

Claims 1-3, 7-8, 10-13 and 15-16 are rejected under 35 USC 102(b) as being anticipated by US Patent No. 4,062,983 to Roderick (hereinafter referred to as “Roderick”).

Independent claim 1, as amended, includes claim language “at least one of the extrusions is profiled to receive at least one pipe through which coolant fluid passes in use,” which was recited in original claim 4. Since original claim 4 is not rejected under

35 USC 102(b) as being anticipated by Roderick, the amended claim 1 is not anticipated by the cited reference, either. Accordingly, claims 2-3, 7-8, 10-13 and 15-16 that depend from claim 1 and include the limitations recited therein are also not anticipated by Roderick under 35 USC 102(b), either.

Claims 1-3, 5-8, 10-12 and 15-16 are rejected under 35 USC 102(b) as being anticipated by US Patent No. 6,238,029 to Marzec et al. (hereinafter referred to as “Marzec”).

Independent claim 1, as amended, includes claim language “at least one of the extrusions is profiled to receive at least one pipe through which coolant fluid passes in use,” which was recited in original claim 4. Since original claim 4 is not rejected under 35 USC 102(b) as being anticipated by Marzec, the amended claim 1 is not anticipated by the cited reference, either. Accordingly, claims 2-3, 5-8, 10-12 and 15-16 that depend from claim 1 and include the limitations recited therein are also not anticipated by Marzec under 35 USC 102(b), either.

### **Rejections under 35 U.S.C. §103**

Claims 9 and 14 are rejected under 35 USC 103(a) as being unpatentable over Marzec, US Patent No. 5,997,117 to Krietzman and US Patent No. 6,419,331 to Wei.

As discussed above, independent claim 1 as amended is patentable. Accordingly, claims 9 and 14 that depend from claim 1 and include the limitations recited therein are also patentable over the cited prior art references under 35 USC 103(a).

## **CONCLUSION**

Applicant has made an earnest attempt to place this application in an allowable form. In view of the foregoing remarks, it is respectfully submitted that the pending claims are drawn to a novel subject matter, patentably distinguishable over the prior art of record. Examiner is therefore, respectfully requested to reconsider and withdraw the outstanding rejections.

Should Examiner deem that any further clarification is desirable, Examiner is invited to telephone the undersigned at the below listed telephone number.

Applicant does not believe that any additional fee is due, but as a precaution, the Commissioner is hereby authorized to charge any additional fee to deposit account number 50-4244.

Respectfully submitted,

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